

SUBCOMMITTEE NO. 4

Agenda

Michael J. Machado, Chair
Robert Dutton
Christine Kehoe



*Senate Budget and Fiscal Review Subcommittee #4 on State Administration,
General Government, Judicial and Transportation*

*February 21, 2007
9:30 a.m.
Room 112*

Governor's Adult Offender Realignment Proposal: Practical and Policy Issues

1. *James Tilton*, Secretary
California Department of Corrections and Rehabilitation
 - Presentation of Governor's Adult Offender Realignment Proposal
2. *Daniel Carson*, Director
Legislative Analyst's Office
Brian Brown, Senior Fiscal and Policy Analyst
Legislative Analyst's Office
 - Identified Issues
3. *Barry Krisberg*, President
National Council on Crime and Delinquency
 - Research Supporting Community Corrections Model
4. *Gary Penrod*, Sheriff
San Bernardino County
 - Impacts of Proposal from Larger County Perspective*Dennis Downum*, Sheriff
Calaveras County

- Impacts of Proposal from Smaller County Perspective
5. *Jerry Powers*, Chief Probation Officer
Stanislaus County
 - Impacts of Proposal on Local Probation
 6. *James Provenza*, Deputy District Attorney
Los Angeles District Attorney's Office
 - Impacts on District Attorney's Offices
 7. *Michael Johnson*, County Administrator
Solano County
Larry Spikes, Chief Administrative Officer
Kings County
 - Fiscal Impacts of Proposal on Local Government
 8. Public Comment

Summary of Selected Adult Corrections Proposals from the 2007-08 Governor's Budget

Adult Offender Realignment Proposal

Governor's Budget Proposal. The Governor has proposed to enact legislation to realign certain offenders from state prison to local jail. The proposal would change the statutory sentence for ten offenses so that those offenders would serve their sentence in jail and not prison. The proposal would not realign offenders that have already been sentenced to prison, but would impact offenders committed after July 1, 2008.

All of the offenses realigned to local jail are felonies and currently carry sentences of three years or less. The length of the sentence and the definition of these offenses as felonies would not be impacted by the Governor's proposal. Offenders serving terms for the following offenses would serve their sentences in local jail under the Governor's proposal:

- Petty Theft with a Prior
- Driving Under the Influence
- Other Property Offenses
- Hashish Offenses
- Forgery/Fraud
- Receiving Stolen Property
- Drug Possession for Sale
- Drug Possession
- Vehicle Theft
- Grand Theft

The Governor's proposal would exclude strikers, lifers, sex registrants, and offenders whose current or prior offense was serious or violent as defined in Penal Code 1192.7(c), 1192.8 or 667.5(c). The proposal excludes parole violators that are returned to custody (PV-RTCs), but would include parole violators returned with new terms (PV-WNTs) if they are not excluded by other criteria.

The Governor's proposal states that it would not change parole requirements for the offenders serving time in local jail. Therefore, when these offenders are released from local jails they will be placed under state parole supervision. *(Footnote: Further discussions with the administration indicate that this component of the proposal is incorrect and that the intent is that the offenders spending time in jail become a local responsibility and would not be placed on parole supervision. Placement on probation would be determined by local jurisdictions.)*

State Fiscal Impact. The California Department of Corrections and Rehabilitation (CDCR) estimates that there are approximately 25,000 offenders that are annually committed under the ten offenses listed above less those that are specifically excluded. They further estimate that the number of offenders will grow to about 27,000 by 2010-2011. The CDCR estimates about \$500 million in annualized institution savings from this proposal when it is implemented. However, because the Governor's proposal would not go into effect until July 1, 2008 no savings are built into the 2007-08 budget.

Local Fiscal Impact. In the Governor's 2007-087 Budget Summary the administration recognizes that there will be increased operating costs at the local level related to this proposal. However, the Governor does not propose transferring revenues to the local level to support these increased costs in the budget year.

Other Related Budget Proposals

Revenue Bond for Local Infrastructure. The Governor has proposed \$5.5 billion for local jails and juvenile facilities, including \$4.4 billion from state lease revenues bonds and \$1.1 billion in local matching funds. The administration estimates that this will provide 45,000 local jail beds and 5,000 juvenile beds. The proposal envisions the following mix of new beds:

- Juvenile Beds – 5,000 beds estimated at \$100,000 per bed for a total of \$500 million.
- Adult Dormitory Beds – 17,000 beds estimated at \$100,000 per bed for a total of \$1.7 billion. These beds with overcrowding will accommodate 25,500 inmates.
- Adult Jail Cells – 16,500 cells estimated at \$200,000 per cell for a total of \$3.3 billion. These cells with overcrowding will accommodate 24,750 inmates.

The administration indicates that the additional new beds will be used to accommodate the 25,000 additional offenders that will no longer be serving their sentence in state prison, as well as help relieve current overcrowding and prepare for future population growth.

New Local Probation Grant. The Governor's budget proposes a new probation grant to target the at-risk 18-to 25-year-old probation population. The 2007-08 budget includes \$50 million for this new grant. The Governor proposes that the grant will grow to \$100 million in 2008-09. The Corrections Standards Authority within CDCR would administer the grant with \$275,000.

Under the Governor's budget proposal, the grants would be allocated to local probation departments that submit an action plan to address adult probation services for the 18-25 year old population. The program will require the local probation department to identify the implementation of a validated risk needs assessment tool and will require a plan to use services and programs to address drug treatment, mental health treatment, cognitive behavior skills, and educational/vocational needs. Each county after the submission of the required action plan will receive a minimum \$100,000 grant plus a per capita share.